

NOTE: CHANGES HAVE BEEN
MADE TO THIS DOCUMENT

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

MARCO ANTONIO GARCIA et al.,

Plaintiffs,

v.

**UNITED STATES OF AMERICA,
ET AL.,**

Defendants.

No. SA CV 09-1169 DOC (RNBx)

JUDGMENT

1 This matter came on for a five-day bench trial commencing on February 3, 2012,
2 and continuing through February 21, 2012 as to Plaintiffs Marco Antonio Garcia, Maria
3 Garcia, Marco Garcia, Jr., Jose Garcia, Maximiliano Garcia, Norma Pena, Pablo
4 Palomegue-Kunz, and Rolando Cesar Najarro's (together the "Plaintiffs") assault and
5 battery claims ("Phase 1") against the United States under the Federal Tort Claims Act
6 ("FTCA"). From July 27, 2015, through August 5, 2015, this Court conducted a
7 simultaneous bench and jury trial regarding Marco Antonio Garcia's *Bivens* claim
8 against ICE Special Agent Ray Escobar and Plaintiffs' false arrest/false imprisonment
9 claims against the United States under the FTCA ("Phase 2").

10 On August 5, 2015, the jury reached a unanimous verdict in favor of individual
11 defendant Special Agent Ray Escobar as to the *Bivens* portion of this case. (ECF No.
12 449.) On October 5, 2015, this Court found in favor of Defendant United States and
13 against Plaintiffs Marco Antonio Garcia, Maria Garcia, Marco Garcia, Jr., Jose Garcia,
14 Maximiliano Garcia, Norma Pena, Pablo Palomegue-Kunz, and Rolando Cesar Najarro
15 as to all of the FTCA claims brought by all Plaintiffs against the United States. (ECF No.
16 463.)

17 Having considered the pleadings, the evidence presented and the credibility of the
18 witnesses at both phases of trial, and in accordance with the Court's October 5, 2015,
19 Order Re: Findings of Fact and Conclusions of Law, ECF No. 463, judgment is hereby
20 entered for Federal Defendants.

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22 Dated: October 7, 2015



23 DAVID O. CARTER
24 UNITED STATES DISTRICT JUDGE
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